

REMARKS

The above amendments and the following remarks are fully and completely responsive to the Office Action dated September 8, 2005. Claims 1-11 are pending in this application with claims 1, 3 and 8 amended. In the outstanding Office Action, claims 1, 2 and 8-11 were rejected under 35 U.S.C. § 102(b) (two different rejections). Claim 3 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Claims 4-7 were allowed. Claims 1-3 and 8-11 are presented for reconsideration.

35 U.S.C. § 102(b)

Claims 8-10 were rejected under 35 U.S.C. § 102(b) as being anticipated by Lee (U.S. Patent No. 5,864,260). In making this rejection, the Office Action asserts that this reference teaches each and every element of the claimed invention.

This rejection has been rendered moot by the amendment of claim 8 to depend on claim 1. Claims 9-10 each depend from claim 8. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 8-10 under 35 U.S.C. § 102(b) for at least the reasons discussed below regarding independent claim 1.

Claims 1, 2 and 11 were rejected under 35 U.S.C. § 102(b) as being anticipated by Taniguchi (JP 2003-51731). In making this rejection, the Office Action asserts that this reference teaches each and every element of the claimed invention. Applicants disagree and respectfully request reconsideration of this rejection.

Claim 1, as amended, recites in part:

...the positional difference between the centers in a surface acoustic wave propagating direction of each two neighboring comb-like electrodes among comb-like electrodes that form series-arm resonators in the ladder filter is not equal to zero and is equal to or smaller than a fourth of the length in the propagating direction of the comb-like electrode having the larger number of pairs of electrode fingers of each two neighboring comb-like electrodes.

The Office Action asserts that Taniguchi teaches that the positional difference between the centers in the surface acoustic wave propagating direction of each two neighboring series-arm resonators (e.g., 3a in filter 1, Fig. 3 and Fig. 1) is zero because the resonators are perfectly aligned, and therefore the positional difference is smaller than a fourth of the length in propagating direction.

The Office Action relies on Fig. 3 of Taniguchi. This figure, however, does not show the layout of the duplexer, but instead, illustrates a circuit configuration. Consequently, it is impossible to discuss the layout of the resonators on the basis of Fig. 3 since Fig. 3 does not show that the positional difference between the centers in the surface acoustic wave propagating direction of each two neighboring series-arm resonators is zero because they are perfectly aligned. Consequently, Taniguchi fails to teach and/or suggest the claimed invention.

Applicants have also amended claim 1 to explicitly recite that the positional difference between the centers in a surface acoustic wave propagating direction of each two neighboring comb-like electrodes among comb-like electrodes that form series-arm resonators in the ladder filter is not equal to zero. Consequently, the amendment of claim 1 further distinguishes claim 1, and the claims dependent thereon, from the cited prior art.

Accordingly, Taniguchi fails to teach and/or suggest the claimed invention. Specifically, Taniguchi fails to teach and/or suggest that the positional difference between the centers in a surface acoustic wave propagating direction of each two neighboring comb-like electrodes among comb-like electrodes that form series-arm resonators in the ladder filter is not equal to zero and is equal to or smaller than a fourth of the length in the propagating direction of the comb-like electrode having the larger number of pairs of electrode fingers of each two neighboring comb-like electrodes. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1, 2 and 11 under 35 U.S.C. § 102(b).

Allowable Subject Matter

Claims 4-7 were allowed.

The Office Action acknowledged that claim 3 contained allowable subject matter but objected to claim 3 as being dependent upon a rejected base claim. Claim 3 has been amended to place claim 3 in independent form including all the limitations of claim 1 (the base claim). Accordingly, claim 3 is now in condition for allowance.

Conclusion

Applicants' amendments and remarks have overcome the objections and rejections set forth in the Office Action dated September 8, 2005. Specifically, Applicants' amendment to claim 8 has distinguished claims 8-10 from Lee and thus overcomes the rejection of these claims under 35 U.S.C. § 102(b). Applicants' remarks have distinguished claims 1, 2 and 11 from Taniguchi and thus overcome the rejection

of these claims under 35 U.S.C. § 102(b). Applicants' amendment to claim 3 overcomes the objection to claim 3 as being dependent upon a rejected base claim. Accordingly, claims 1-3 and 8-11 are in condition for allowance. Therefore, Applicants respectfully request consideration and allowance of claims 1-3 and 8-11. Claims 4-7 were allowed.

Applicants submit that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned attorney by telephone if it is believed that such contact will expedite the prosecution of the application.

In the event that this paper is not considered to be timely filed, Applicants respectfully petition for an appropriate extension of time.

The Commissioner is authorized to charge payment for any additional fees which may be required with respect to this paper to our Deposit Account No. 01-2300, making reference to attorney docket number 025720-00031.

Respectfully submitted,
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